



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the Matter of: :
Dangerous Building Located at : **C.A. No. 2019-0827-PWG**
107 South Main Street, :
Bridgeville, Delaware :
: :
COMMISSIONERS OF :
BRIDGEVILLE, :
: :
Petitioner. :

ORDER FOR
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

WHEREAS, on January 4, 2021, this Honorable Court held a telephonic hearing on the Petition for Declaratory Judgment and Injunctive Relief concerning the above-named property;

WHEREAS, Petitioner, the Commissioners of Bridgeville, a municipal corporation of the State of Delaware, seeks to demolish the vacant garage building identified in the Petition in this matter located at the back of 107 South Main Street, Bridgeville, Delaware, which was identified as a dangerous building by the Dangerous Building Inspection Committee ("Committee") appointed by the Petitioner. Consistent with the Town of Bridgeville Code, David McCurley, the owner of the property located at 107 South Main Street, Bridgeville, Delaware, was notified of the Committee's findings on January 25, 2019, and a public hearing on the Committee's findings was held on March 11, 2019. Petitioner issued

Resolution 2019-04, declaring the vacant garage building at back of 107 South Main Street as a serious hazard and a public nuisance, on April 8, 2019 and sent notice about the Resolution to David McCurley in a letter dated April 15, 2019;

WHEREAS, Catherine McCurley, David McCurley's daughter, attended the January 4, 2021 hearing. She advised that David McCurley died in June of 2020 and that she is administering his estate. Ms. McCurley did not dispute Petitioner's compliance with the Town Code regarding the determination that the vacant garage building is a dangerous building but requested additional time to demolish the building herself;

WHEREAS, it appears that Petitioner has complied with the provisions of its Dangerous Buildings Ordinance;

WHEREAS, Petitioner has shown cause to proceed with the demolition of the vacant garage building located at the back of 107 South Main Street, Bridgeville, Delaware;

WHEREAS, Petitioner filed this action on October 17, 2019 and no answer to the Petition has been filed. Further, the scheduling of a hearing on this matter was deferred for approximately six months to allow Ms. McCurley time to rectify the problem;

NOW THEREFORE, having reviewed the pleadings and heard the evidence presented at the hearing, **IT IS HEREBY ORDERED** on this 4th day of January, 2021, as follows:

1. Petitioner's request for Declaratory Judgment and Injunctive Relief is
GRANTED.
2. Petitioner may proceed with the demolition of the vacant garage building identified in the Petition, located at the back of 107 South Main Street, Bridgeville, Delaware, no sooner than 30 days from the date of this Order.
3. The costs of said demolition may be entered as a lien against the property consistent with 25 *Del. C.* §4601.
4. Petitioner's attorney shall provide a copy of this Order to Respondent.

IT IS SO ORDERED.

/s/ Patricia W. Griffin
Master in Chancery